IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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In re Application of:
RUSSELL, MICHAEL J.

Serial No: 09/~~903,778~~ 982,320

Filed: 07/11/2001

For: **MEDICAL ELECTRODE FOR PREVENTING THE PASSAGE OF HARMFUL CURRENT TO A PATIENT**

Group Art Unit: 3739

Examiner: Roy D. Gibson

Mail Stop Non-Fee Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

AMENDMENT

In response to the office action of June 6, 2003, please amend the above-identified application as follows:

Amendments to the Claims are reflected in the listing of claims which begins on page 2 of this paper.

Remarks/Arguments begin on page 9 of this paper.

PAGE 9/19 * RCVD AT 1/5/2004 4:17:04 PM [Eastern Standard Time] * SVR:USPT -EFXRF-2/0 * DNIS:7463369 * CSID:916 441 4254 * DURATI N (mm-ss):06-48

PTO/SB/21 (08-03)
Approved for use through 08/30/2003. OMB 0651-0031
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TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Application Number	09/982,320
Filing Date	10/17/2001
First Named Inventor	Michael J. Russell
Art Unit	3739
Examiner Name	Roy D. Gibson
Attorney Docket Number	9721.9544B
Total Number of Pages in This Submission	

ENCLOSURES *(Check all that apply)*

- [x] Fee Transmittal Form
- [x] Fee Attached
- [x] Amendment/Reply
 - [] After Final
 - [] Affidavits/declaration(s)
- [x] Extension of Time Request
- [] Express Abandonment Request
- [] Information Disclosure Statement
- [] Certified Copy of Priority Document(s)
- [] Response to Missing Parts/ Incomplete Application
 - [] Response to Missing Parts under 37 CFR 1.52 or 1.53
- [] Drawing(s)
- [] Licensing-related Papers
- [] Petition
- [] Petition to Convert to a Provisional Application
- [] Power of Attorney, Revocation Change of Correspondence Address
- [] Terminal Disclaimer
- [] Request for Refund
- [] CD, Number of CD(s) _____
- [] After Allowance communication to Technology Center (TC)
- [] Appeal Communication to Board of Appeals and Interferences
- [] Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
- [] Proprietary Information
- [] Status Letter
- [x] Other Enclosure(s) (please identify below):

Return Postcard

Remarks

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	John P. Costello, Esq.
Signature	John P. Costello
Date	November 4, 2003

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below. U.S. Express Mail #EV 277854814 US

Typed or printed name	John P. Costello, Esq.		
Signature	John P. Costello	Date	November 4, 2003

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: **Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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PTO/SB/17 (08-03)
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FEE TRANSMITTAL for FY 2003

Effective 01/01/2003. Patent fees are subject to annual revision.

[X] Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT ($) 952.00

Complete if Known	
Application Number	09/982,320
Filing Date	10/17/2001
First Named Inventor	Michael J. Russell
Examiner Name	Roy D. Gibson
Art Unit	3739
Attorney Docket No.	9721.9544B

METHOD OF PAYMENT *(check all that apply)*

[X] Check [] Credit card [] Money Order [] Other [] None

[] Deposit Account:

Deposit Account Number

Deposit Account Name

The Director is authorized to: *(check all that apply)*

[] Charge fee(s) indicated below [X] Credit any overpayments

[X] Charge any additional fee(s) during the pendency of this application

[] Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

FEE CALCULATION

1. BASIC FILING FEE

Large Entity Fee Code	Large Entity Fee ($)	Small Entity Fee Code	Small Entity Fee ($)	Fee Description	Fee Paid
1001	750	2001	375	Utility filing fee	
1002	330	2002	165	Design filing fee	
1003	520	2003	260	Plant filing fee	
1004	750	2004	375	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	

SUBTOTAL (1) ($)

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

	Extra Claims		Fee from below	Fee Paid
Total Claims	29	-20** = 9	x 9	= 81
Independent Claims	15	-3** = 12	x 43	= 516
Multiple Dependent		1	145	= 145

Large Entity Fee Code	Large Entity Fee ($)	Small Entity Fee Code	Small Entity Fee ($)	Fee Description
1202	18	2202	9	Claims in excess of 20
1201	84	2201	42	Independent claims in excess of 3
1203	280	2203	140	Multiple dependent claim, if not paid
1204	84	2204	42	** Reissue independent claims over original patent
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) ($) 742

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity Fee Code	Large Entity Fee ($)	Small Entity Fee Code	Small Entity Fee ($)	Fee Description	Fee Paid
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for *ex parte* reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	410	2252	205	Extension for reply within second month	210
1253	930	2253	465	Extension for reply within third month	
1254	1,450	2254	725	Extension for reply within fourth month	
1255	1,970	2255	985	Extension for reply within fifth month	
1401	320	2401	160	Notice of Appeal	
1402	320	2402	160	Filing a brief in support of an appeal	
1403	280	2403	140	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,300	2453	650	Petition to revive - unintentional	
1501	1,300	2501	650	Utility issue fee (or reissue)	
1502	470	2502	235	Design issue fee	
1503	630	2503	315	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)	
1806	180	1806	180	Submission of Information Disclosure Stmt	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	750	2809	375	Filing a submission after final rejection (37 CFR 1.129(a))	
1810	750	2810	375	For each additional invention to be examined (37 CFR 1.129(b))	
1801	750	2801	375	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	

Other fee (specify) _____

*Reduced by Basic Filing Fee Paid SUBTOTAL (3) ($) 210

SUBMITTED BY				(Complete (if applicable))	
Name (Print/Type)	John P. Costello	Registration No. (Attorney/Agent)	36,110	Telephone	(916) 441-2231
Signature	John P. Costello			Date	11-4-2003

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: **Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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LAW OFFICES OF JOHN P. COSTELLO
331 J Street, Suite 200
Sacramento, CA 95814
(916) 441-2234
Fax: (916) 441-4254

To:	Examiner Roy Gibson Art Unit 3739	**Date:**	January 5, 2004
Fax #:	(703) 746-3369	**Pages:**	19, including this cover sheet.
From:	John P. Costello, Esq.		
Subject:	Response to Office Action for Serial No. 09/982,320; Docket No. 9721.9544B		

COMMENTS:

Dear Examiner Gibson:

Attached is the response to the office action mailed June 6, 2003. Also attached is a copy of the petition for extension of time related to same and copies of checks sent to the PTO. Note that the return postcard shows a PTO receipt date of November 4 or November 5, 2003. Therefore, everything arrived at the PTO on time. If you need any further assistance, please give me a call.

Sincerely,

John P. Costello - Reg. No. 36, 110, Attorney for Applicant Mike Russell

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this cover sheet and items referenced above are being facsimile transmitted to the Patent and Trademark Office on the date shown below.

John P. Costello- Signature

January 5, 2004
Date

John P. Costello, Reg. No. 36,110
Name of Person Signing Certificate

Russellfaxtransmittal1.wpd